

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Laura R. Darden

Serial No.: 09/836,164

Group Art Unit: 2825

Filed: April 18, 2001

Examiner: Not Yet Assigned

For: SPACING VIOLATION CHECKER

Assistant Commissioner of Patents  
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. 1.17(h) AND RESPONSE TO NOTICE  
OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**

Sir:

In response to the Notice Of Omitted Item(s) In a Nonprovisional Application dated May 4, 2001, Applicant hereby petitions and contends that the alleged omitted items were, in fact, filed in the U.S. Patent and Trademark Office with the filing of the original application. In support of this contention, attached hereto are copies of:

- (1) the date-stamped filing receipt which lists "26" pages of specification, claims and abstract;
- (2) the application transmittal sheet which lists "26" pages of specification.

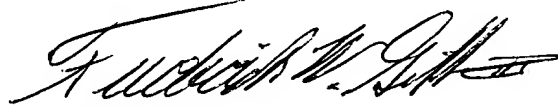
**In addition, on page 2, item 5 of the transmittal, Applicant has indicated the appropriate notation which states: "The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein." In further view of this statement, Applicant hereby requests that this Petition be granted and that the Petition fee be refunded.**

BU9-98-118CONT

For the convenience of the office, also attached hereto is a duplicate copy of the as-filed specification. No new matter has been added.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 09-0456.

Respectfully Submitted,



Frederick W. Gibb, III

Reg. No. 37,629

Date: 5/21/01

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FW/Cont  
BUR. 013 CONT S

J1002 U.S. PTO

09/836164



New Application Patent Card Filing Receipt and Request for Early Notification of Serial Number

Attorney's Docket Number: B49-98-118 CONT ☒ Patent ☐ Trademark

Applicant's Name: Darden Application Filing Date: 4/16/01

Title: A Same Net Spacing Violation Checker

Papers Filed Herewith:

26 Pages Specification, Claims and Abstract 20 Total Claims 4 Independent Claims

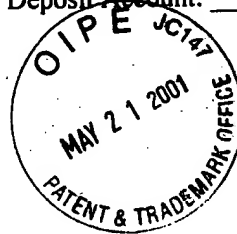
3 Sheets ☒ Formal Drawings ☐ Informal Drawings ☐ Priority Document(s)

☐ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney (copy)

☒ IDS ☒ 1449 Form w/    Documents ☐ Assignment ☐ Recordation Cover ☐

Other Preliminary Amendment

Fees Filed Herewith: \$ 790.<sup>00</sup> ☐ Check ☒ Charge Deposit Account:                     



# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
BU9-98-118CONT

Total Pages in this Submission

## TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled

A SAME NET SPACING VIOLATION CHECKER

and invented by:

Laura R. Darden

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/162,215

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 26 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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Total Pages in this Submission

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal                      Number of Sheets      3 (Figs. 1-12)
- b. ☐ Informal                      Number of Sheets      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☒ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☐ Certificate of Mailing
- ☐ First Class      ☐ Express Mail *(Specify Label No.):* \_\_\_\_\_

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
**BU9-98-118CONT**

Total Pages in this Submission

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☐ Additional Enclosures *(please identify below):*

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
BU9-98-118CONT

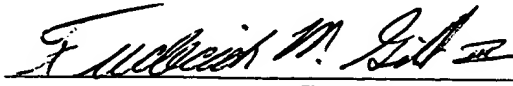
Total Pages in this Submission

## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	20	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	4	- 3 =	1	x \$80.00	\$80.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$790.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 09-0456 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$790.00 as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
Signature

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8321 Old Courthouse Road  
Suite 200  
Vienna, VA 22182  
Customer N . 28211

Dated:

CC: